

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

AUGUST 6, 2008

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
Stephen McMaster
Tonye Epps
Penny Johnson
Jim Ginnell
Martin Maples
Jim Schuyler
Jeffrey Adkins
Robert Ruais
Cynthia Clare

The following Board Members were not present: Laura Dupuy and Neil Bhatt

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Liz Hayes, Fair Housing Administrator
Christine Martine, Executive Director
Emily Trent, Administrative Assistant
Deanda Shelton, Assistant Fair Housing Administrator
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Yvette Barnes, Fair Housing Investigator
Arthur Ryan, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:03 **Call to Order**
A.M.

There was no public comment.

Public Comment

A motion was made by Mr. Ruais and seconded by Ms. Johnson to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Atkins, Clare, Epps, Ginnell, Maples, McMaster, Johnson, Ruais, Rubinstein and Schuyler.

Agenda

A motion was made by Mr. McMaster and seconded by Mr. Maples to approve the following minutes: June 10, 2008, Fair Housing Board Training Meeting. The motion passed unanimously. Members voting "Yes" were: Atkins, Clare, Epps, Ginnell, Maples, McMaster, Johnson, Ruais, Rubinstein and Schuyler.

Minutes

A motion was made by Ms. Johnson and seconded by Mr. Ginnell to approve the following minutes: June 11, 2008 Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Atkins, Clare, Epps, Ginnell, Maples, McMaster, Johnson, Ruais, Rubinstein and Schuyler.

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing
Administrator's Report**

In the matter of **FHB File Number 2008-02534, John D. Hinson v. Claudine McAllister**, the Board agreed without dissent to defer this matter to the next scheduled Board meeting.

FHB File Number 2008-02534, John D. Hinson v. Claudine McAllister

In the matter of **FHB File Number 2008-03409, Rozana and Zubin Ingah v. Lansdowne on the Potomac Homeowners Association Board of Directors, Catherine Benson and Bill Boos**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Molly Peacock, Attorney for the Respondents, was present and addressed the Board. A motion was made by Mr. Ruais and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Clare, Epps, Ginnell, Maples, McMaster, Johnson, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03409, Rozana and Zubin Ingah v. Lansdowne on the Potomac Homeowners Association Board of Directors, Catherine Benson and Bill Boos

In the matter of **FHB File Number 2008-02321, Hussein and Heba El-Sharkawi v. Lansdowne on the Potomac Homeowners Association, Association Community**

FHB File Number 2008-02321, Hussein and Heba El-Sharkawi v.

Management Corporation, Bill Boos, Catherine Benson and Krystal Young, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Hussein El-Sharkawi, Complainant and Molly Peacock, Attorney for the Respondents, were present and addressed the Board. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Atkins, Clare, Ginnell, Maples, McMaster, Ruais and Rubinstein. Members voting "No" were: Epps, Johnson and Schuyler.

Lansdowne on the Potomac Homeowners Association, Association Community Management Corporation, Bill Boos, Catherine Benson and Krystal Young

In the matter of **FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Christina and Clifton Heggins, Complainants and Kyle Korte, Attorney for the Respondents, were present and addressed the Board.

FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC

The Board recessed from 11:10 A.M. to 11:20 A.M.

Break

At 11:21 A.M., Ms. Johnson offered a motion which was seconded by Mr. Schuyler, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes, and Angela Keefe-Thomas.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

14. FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC

At 12:05 P.M., a motion was made by Ms. Clare and seconded by Mr. Ruais that the Board reconvene in open

session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 10-0

AYES: Atkins, Clare, Epps, Ginnell, Maples, McMaster, Johnson, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Bhatt and Dupuy.

Board member Cindy Clare departed the meeting at 12:06.

Departure of Board Member

In the matter of **FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC**, the Board agreed without dissent to defer this matter to their next scheduled Board meeting to allow staff the opportunity to obtain additional information.

FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC

In the matter of **FHB File Number 2008-03443, Raymond**

FHB File Number 2008-

Gentry v. Henrico–Richmond LP and Susan Hajdalenko, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Vijay Mago, Attorney for the Respondents, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

03443, Raymond Gentry v. Henrico – Richmond LP and Susan Hajdalenko

In the matter of **FHB File Number 2008-03134, Nasir and Jennifer Manzoor v. Rianna Elliott and KPM, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Barrie Bowers, Attorney for the Respondents, was present and addressed the Board. A motion was made by Mr. Ginnell and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03134, Nasir and Jennifer Manzoor v. Rianna Elliott and KPM, LLC

In the matter of **FHB File Number 2007-04965, Douglas Boe v. AIMCO Properties, L.P., Lake Ridge Oxford Assoc., L.P. and Diane Koonce**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Maples and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais Rubinstein and Schuyler.

FHB File Number 2007-04965, Douglas Boe v. AIMCO Properties, L.P., Lake Ridge Oxford Assoc., L.P. and Diane Koonce

In the matter of **FHB File Number 2008-03458, Wayne and Hanh Allgood v. Amy Culbertson and Chesapeake on the Bay HOA Board of Directors**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Maples and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03458, Wayne and Hanh Allgood v. Amy Culbertson and Chesapeake on the Bay HOA Board of Directors

In the matter of **FHB File Number 2008-04049, Erick Whitaker v. Frank Lofurno and Hampton Redevelopment & Housing Authority**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler. Due to a possible conflict of interest, Ms. Johnson recused herself from voting in this matter.

FHB File Number 2008-04049, Erick Whitaker v. Frank Lofurno and Hampton Redevelopment & Housing Authority

In the matter of **FHB File Number 2008-03332, Rosalind Bates v. Mount Pleasant Baptist Church**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Johnson and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03332, Rosalind Bates v. Mount Pleasant Baptist Church

In the matter of **FHB File Number 2008-04383, Eileen Niemi v. Joan Kenley and Blue Ridge Manor Apartments, Ltd.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ginnell and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04383, Eileen Niemi v. Joan Kenley and Blue Ridge Manor Apartments, Ltd.

In the matter of **FHB File Number 2008-03291, Darlene Sheppard v. Paula Sampson, Donna Jenkins, John Turner and Fairfax County Housing Authority**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Schuyler and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03291, Darlene Sheppard v. Paula Sampson, Donna Jenkins, John Turner and Fairfax County Housing Authority

In the matter of **FHB File Number 2008-04803, Samantha Bright and Leon Hird v. Vinh Q. Mai**, a motion was made

FHB File Number 2008-04803, Samantha Bright

by Mr. Ruais and seconded by Mr. Maples to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

and Leon Hird v. Vinh Q. Mai

In the matter of **FHB File Number 2008-04498, Jennifer Sohnn v. Richard Pentecost**, a motion was made by Mr. Ruais and seconded by Mr. Maples to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04498, Jennifer Sohnn v. Richard Pentecost

In the matter of **FHB File Number 2008-04351, Todd Smith v. Sarah Howerton**, a motion was made by Mr. Ruais and seconded by Mr. Maples to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04351, Todd Smith v. Sarah Howerton

In the matter of **FHB File Number 2008-04618, Joan Heinig v. Barbara Heltzel**, a motion was made by Mr. Ruais and seconded by Mr. Maples to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04618, Joan Heinig v. Barbara Heltzel

Ms. Hayes made the Board aware of a reconsideration request made by previous complainant. The Chairman denied the request per Board policy, as no new information was presented to the Board. No action was taken by the Board.

New Business

A motion was made by Mr. Schuyler and seconded by Mr. Maples to adopt NOIRA (Notice of Intended Regulatory Action) for the Fair Housing Regulations. The motion passed unanimously. Members voting "Yes" were: Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Administrative Issues

A motion was made by Mr. Ruais and seconded by Mr. Adkins to adopt PPG Regulation as Exempt Action. The motion passed unanimously. Members voting "Yes" were:

Atkins, Epps, Ginnell, Johnson, Maples, McMaster, Ruais,
Rubinstein and Schuyler.

There being no further business, the meeting adjourned at 1:00 **Adjourn**
P.M.

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary

DRAFT